

EXHIBIT F

12/5/2024

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD KADREY, et al.,)

)

Individual and)

Representative)

Plaintiffs,)

)

v.)

)

META PLATFORMS, INC.,)

)

Defendant.)

)

Case No. 3:23-cv-03417-VC

** CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER **

Videotaped Deposition of meta Platforms, Inc.

by and through its corporate designee

SY CHOUDHURY

San Francisco, California

Thursday, December 5, 2024

Reported Stenographically by

Michael P. Hensley, RDR, CSR No. 14114

DIGITAL EVIDENCE GROUP

1730 M. Street, NW, Suite 812

Washington, D.C. 20036

(202) 232-0646

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1 A. We've had, I'll say, various notable data
2 points within that. One of the -- one of the
3 earlier data points was when we worked for REI
4 research team for a dataset of -- I think it was
5 some -- some scientific text as well as visual
6 imagery from [REDACTED] for a deal that we did
7 with -- to support one of the FAIR projects.

8 I think that was in 2022, late 2022.

9 In early 2023, this is another data
10 point where we looked at and explored licensing many
11 types of data for LLMs. This included everything
12 from fiction book data, scientific textbook data,
13 normal textbook data, images, videos. It was very
14 early days in us exploring what is available in the
15 market and also what our product or engineering team
16 really looked to utilize.

17 Q. Well, let's just keep going with those
18 data points, then. And would the next data point be
19 April 7th, 2023, when there was a decision to stop
20 licensing -- the licensing process for acquiring
21 text data for LLMs -- or, sorry, the pause?

22 ATTORNEY HARTNETT: Object to form.

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1 THE WITNESS: Yeah. So in early April
2 there was a pause on licensing certain categories of
3 data that included the text data -- some of the text
4 data categories.

5 BY ATTORNEY PRITT:

6 Q. And what text categories did that include?

7 A. That included fiction books, nonfiction
8 books, and coding.

9 Q. Any other categories?

10 A. No. Those are the three that we decided
11 to pause on.

12 Q. And what are the data categories that
13 you -- that Meta decided not to pause on in early
14 April 2023?

15 A. While we did not have an explicit
16 discussion or decision to not pause, the data
17 categories that -- the other data categories that we
18 were continuing to explore included images, videos,
19 and 3D objects.

20 Q. And why did Meta decide to pause its
21 licensing process for acquiring fiction books,
22 nonfiction books, and coding data for its LLMs in

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1 early April 2023?

2 ATTORNEY HARTNETT: And I would just
3 object to the extent that you need to respond with
4 attorney-client privilege, please exclude that from
5 your answer. If you can respond without reference
6 to that, you can answer.

7 THE WITNESS: There was a meeting I had
8 with my boss, Marc Shedroff, and our attorney,
9 Natascha Parks, and the content of the meeting is
10 under attorney-client privilege.

11 All I can say is that we considered and
12 discussed a variety of factors and agreed that the
13 decision would be to pause on those three
14 categories.

15 BY ATTORNEY PRITT:

16 Q. Now, were there any business reasons for
17 deciding to pause the licensing process for
18 acquiring fiction books, nonfiction books, and
19 coding data for use in Meta's LLMs, at that time?

20 ATTORNEY HARTNETT: And I would just have
21 the same objection and instruction. You can answer
22 if there's a nonprivileged information you can

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1 provide.

2 THE WITNESS: There's only privileged
3 information in that meeting, and so I'm not able to
4 talk further about that.

5 BY ATTORNEY PRITT:

6 Q. Okay. So to clarify, it's Meta's
7 testimony that there were no business reasons for
8 deciding to pause the licensing process for
9 acquiring fiction books, nonfiction books, and
10 coding data for use in Meta's LLMs in early
11 April 2023; is that correct?

12 ATTORNEY HARTNETT: Objection to the form.
13 Misstates his testimony.

14 I -- if you can answer as to whether there
15 are business reasons that don't entail conveying
16 legal advice, you may answer. If not, I instruct
17 you not to answer.

18 THE WITNESS: The -- although this is not
19 comprehensive, the coding and textbook categories do
20 not -- do not apply to the one, I'll say, business
21 reason.

22 I'd like to point out that the -- in the

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1 fiction category, we quickly learned from the
2 business development team that most of the
3 publishers we were talking to, they themselves were
4 representing that they did not have, actually, the
5 rights to license the data to us. And so it would
6 take a long time to engage with all their authors.

7 BY ATTORNEY PRITT:

8 Q. So was timing and the ability to obtain
9 licenses for the use of fiction books to use as data
10 for Meta's LLMs a business reason for why Meta
11 decided to pause it's licensing efforts for those
12 books in early April 2023?

13 A. It was one of the considerations, yes.

14 Q. Were there any other business
15 considerations for deciding to pause licensing
16 efforts for fiction books to use as data for Meta's
17 LLMs in early April 2023?

18 ATTORNEY HARTNETT: And you could answer
19 to the extent it doesn't reveal attorney-client
20 privileged advice.

21 A. I would say yes in all three of the
22 categories that I've mentioned. Another business

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1 reason is the very slow uptake in engagement and
2 interest from the different content partners that we
3 had reached out to or tried to reach out to, to
4 actually engage in a meaningful conversation.

5 So that was another reason, which has
6 nothing to do with speed. It's just volume and
7 willingness to engage.

8 There were some that we, of course, had
9 good productive conversations with, but it was very
10 few.

11 Q. And which partners that you're referring
12 to were unwilling to engage?

13 A. We -- we send out slew of emails to --
14 slew of companies: [REDACTED] and -- I mean there was a
15 whole list.

16 I don't recall the entire list, but I
17 remember we had made a long list from initially
18 scouring the Internet of top publishers, et cetera,
19 and we didn't get contact and feedback from -- from
20 a lot of our cold call outreaches to try to
21 establish contact.

22 There were a few, like [REDACTED], that did,

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1 you know, engage, but not many.

2 Q. Are you aware of any other licensing
3 efforts where Meta decided to stop pursuing licenses
4 because it didn't get contact and feedback from cold
5 call outreaches?

6 A. You know, when we've done or we attempted
7 to do deals in the past for FAIR, where we've not
8 been able to achieve a deal in the same manner. And
9 so it's -- it does happen.

10 It's not just in this space, but it's work
11 stream by work stream, and it's usually related to a
12 category that -- of companies you're going after.

13 Q. Sorry. I don't understand the answer.

14 Are you aware of any other licensing
15 efforts where Meta decided to stop pursuing licenses
16 because it didn't get contact and feedback from cold
17 outreach?

18 A. I am aware of licensing efforts such, for
19 example, we tried to license 3D worlds from
20 different game engine and game manufacturers for our
21 AI research team. And in the same way that I'm
22 describing here for fiction and textbook data, we

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1 got very little engagement to even have a
2 conversation.

3 Q. And did Meta decide to pause its licensing
4 efforts for 3D worlds?

5 A. Yes. We decided to pause the efforts
6 after that.

7 Q. And did Meta use an alternative source of
8 data rather than licensing it?

9 A. We decided to -- in that case, we decided
10 to build our own solution.

11 Q. And when Meta decided to pause its
12 licensing efforts for nonfiction and fiction books
13 and code, did Meta decide to write its own books and
14 code to use as data for its LLMs?

15 A. I don't know the answer to that.
16 Engineering would know the answer to that.

17 Q. Are there any business reasons other than
18 the two you have listed for why Meta decided to
19 pause its licensing efforts for nonfiction and
20 fiction books and code in early April 2023?

21 A. At this time, I can't think of any.

22 Q. Okay.